

# Notice of Allowability

Applicant(s)

09/895,338

Examiner

Ba Huynh

Applicant(s)

YAMAMOTO ET AL.

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner amendment on 1/26/05.
2. ☒ The allowed claim(s) is/are 1,2,4-6,8,9 and 11.
3. ☒ The drawings filed on 29 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

BA HUYNH  
PRIMARY EXAMINER

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 1/26/05, Mr. Marquez has requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 03-3975 the required fee of \$450.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

1. (Currently Amended) A device for selecting an electrophoresis band of interest from a plurality of bands on an electrophoresis lane of a sample, the device comprising:
  - a display unit for displaying an image of the plurality of bands established on the lane;
  - a region setting unit for setting a region on the lane on a screen of the display unit;
  - a band information displaying unit for displaying the number of bands in a selection candidate state relative to the region;
  - a region altering unit for altering ~~a coverage size and~~ a display size of the region and for altering band information including the number of bands in

the selection candidate state in response to the altered display size of the region;

a selection candidate displaying unit for displaying bands within the region in [[a]] the selection candidate state; and

a band selecting unit for processing the bands in the selection candidate state to be in a selection state.

2. (Currently Amended) A device for selecting an electrophoresis band according to claim 1, wherein the region setting unit sets the region on the lane by setting an input cursor of a pointing unit on the lane at the center, and the region altering unit alters the display size of the region in accordance with the press of a predetermined key of a keyboard.

3. (Cancelled)

4. (Currently Amended) A device for selecting an electrophoresis band of interest from a plurality of bands on an electrophoresis lane of a sample, the device comprising:

a display unit for displaying an image of the plurality of bands established on the lane;

a region setting unit for setting a region on the lane on a screen of the display unit;

a band information displaying unit for displaying the number of bands in a first selection candidate state relative to the region;

a region altering unit for altering a display size of the region and for altering band information including the number of bands in the first selection candidate state in response to the altered display size of the region;

a selection candidate displaying unit for displaying one of the bands within the region[[,]] in a second selection candidate state;

a selection candidate display altering unit for altering the band in the second selection candidate state to a band immediately before or after the former band along the lane; and

a band selecting unit for processing the band in the second selection candidate state to be in a selection state.

5. (Currently Amended) A device for selecting an electrophoresis band according to claim 4, wherein the region setting unit sets the region on the lane based on a position of an input cursor of a pointing unit on the lane, the selection candidate displaying unit displays a band closest to the input cursor in the second selection candidate state, and the selection candidate display altering unit alters the band to be displayed in the second selection candidate state in accordance with the press of a predetermined key of a keyboard.
6. (Currently Amended) A device for selecting an electrophoresis band according to claim 4, ~~further comprising a~~ wherein the region altering unit ~~for altering~~ alters the display size of the region in accordance with the press of a predetermined key of the keyboard.
7. (Cancelled)
8. (Currently Amended) A method for selecting an electrophoresis band of interest from a plurality of bands on an electrophoresis lane of a sample, the method comprising the steps of:
  - setting a region on the lane based on an input cursor of a pointing unit placed on the display of the lane having a plurality of bands;
  - displaying bands within the region in a selection candidate state;
  - displaying band information including the number of bands in a selection candidate state relative to the region;

altering ~~a coverage size~~ and a display size of the region in accordance with an key input of a predetermined key of a keyboard, as well as altering states of bands that became included in the region as the result of the size alteration from a normal state to the selection candidate state and states of bands that fell out from the region as the result of the size alteration from the selection candidate state to the normal state;

altering the band information including the number of bands in the selection candidate state in response to altering the display size of the region;  
and

displaying selected bands of the bands in the selection candidate state in a selection state in response to a selection input.

9. (Currently Amended) A method for selecting an electrophoresis band of interest from a plurality of bands on an electrophoresis lane of a sample, the method comprising the steps of:

setting a region on the lane based on an input cursor of a pointing unit placed on the display of the lane having a plurality of bands;

displaying band information including the number of bands in a first selection candidate state relative to the region;

altering a display size of the region and altering band information including the number of bands in the first selection candidate state in response to altering the display size of the region;

displaying a band within the region, which is closest to the input cursor, in a second selection candidate state;

altering the band in the second selection candidate state to a band immediately before or after the former band along the lane in accordance with the press of a predetermined key of a keyboard; and

processing the band in the second selection candidate state to be in a selection state.

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10. (Cancelled)

11. (Original) A device for selecting an electrophoresis band according to claim 5, ~~further comprising a~~ wherein the region altering unit ~~for altering~~ alters the display size of the region in accordance with the press of a predetermined key of the keyboard.

12. (Cancelled)

3. Claims 1, 2, 4-6, 8, 9, and 11 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 4, 8, and 9, when considered as a whole, are allowable over the prior art of record. Specifically, prior art of record fail to clearly teach or fairly suggest altering the band information including the number of bands in the selection candidate state displayed relative to the region in response to the altered display size of the region. Dependent claims 2, 5, 6, 11 further add limitations to the allowable subject matter of the respective independent claim, thus are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

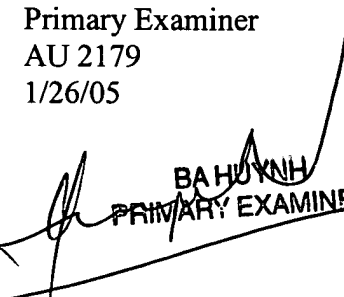
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary Examiner  
AU 2179  
1/26/05

  
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PRIMARY EXAMINER